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## Caught Between Traditions: The Security Council in Philosophical Conundrum

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# CAUGHT BETWEEN TRADITIONS: THE SECURITY COUNCIL IN PHILOSOPHICAL CONUNDRUM

David P. Fidler\*

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*The maxims of the philosophers regarding the conditions of the possibility of a public peace shall be taken into consideration by the States that are armed for war. — Immanuel Kant*<sup>1</sup>

## INTRODUCTION

The dramatic increase in the activity of the Security Council in the years since the end of the Cold War has placed that organ of the United Nations in the spotlight of diplomatic and scholarly scrutiny.<sup>2</sup> Perhaps it is to be expected that the increased activity of the Security Council should produce increased hopes and increased criticism. A reexamination of the role of the Security Council in international relations after its fiftieth year of existence should include consideration of the philosophical foundations and assumptions underlying the Council to understand whether it is built upon rock or shifting sands. In taking this theoretical approach, I follow the advice of Immanuel Kant quoted above. Schemes to reform or restructure the Security Council often fail to heed Kant's advice by ignoring whether the underlying philosophical or normative purposes of the Security Council make sense or can support redesigning the Security Council for the next fifty years. I argue that the current and future role of the Security Council is and will be limited by tensions in liberal thought on international relations.

In Part I of this article, I provide a discussion about the use of traditions of thought in international relations. Part II begins by briefly examining the fundamental purpose of the Security Council — the maintenance of international peace and security. I then analyze the philosophical origins of the idea of maintaining international peace and security through an international organization to demonstrate how liberal thought on international relations came to incorporate this idea. In this analysis, I will demonstrate that liberal thought on the appropriateness of relying on international organizations to maintain peace and security is not unified and that three traditions within liberal thought compete for prominence. In Part III, I will apply each of the three strands to the question of what should be done with the Security Council as we ap-

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1. IMMANUEL KANT, ETERNAL PEACE AND OTHER INTERNATIONAL ESSAYS 100 (W. Hastie trans., World Peace Found. 1914) (1795).

2. One commentator notes that "[t]he volume of public discussion on the peace and security functions of the UN in the post-Cold War period is currently overwhelming." Keith R. Krause, *The United Nations in the Post-Cold War World: Adaptation, Transformation, Openness or Obsolescence?*, 87 PROC. AM. SOC'Y INT'L L. 268, 277-78 (1993).

proach the new millennium. I conclude that the Security Council's potential in the future is limited by the lack of consensus in liberal thought about its role in international relations.

## I. TRADITIONS OF THOUGHT IN INTERNATIONAL RELATIONS

### A. *The Tradition of Using Traditions*

It is necessary at the outset to discuss the importance of traditions of thought in the study of international relations. Various traditions or schools of thought populate the discipline of international relations.<sup>3</sup> The most famous traditions are realism, liberalism, and Marxism.<sup>4</sup> Stanley Hoffmann defined realism as a "rigorous theory of international politics that defines the states as the only actors on the world scene, makes of military power the decisive currency, and sees the hierarchy of military might as *the* hierarchy in the international system."<sup>5</sup>

Anne-Marie Slaughter claims realism has been the "dominant approach in international relations theory for virtually the past two millennia, from Thucydides to Machiavelli to Morgenthau[.]"<sup>6</sup> Liberalism refers to a body of thought the core of which is the liberty of the individual. Unlike realists, liberals view individuals as important actors in international relations in both a positive and negative sense. Positively, the actions of individuals through trade and commerce have a significant beneficial impact in international relations. Negatively, the state of war and war itself in the international system threaten the liberty of the individual at home in a liberal state. Liberalism posits, then, that international relations is not fundamentally about obtaining power as a shield against anarchy but is about protecting individual liberty at home while fostering individual liberty overseas.<sup>7</sup> Marxism reflected the thought of

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3. Timothy Dunne, *Mythology or Methodology? Traditions in International Theory*, 19 REV. INT'L STUD. 305, 305 (1993).

4. "Realism and Liberalism, along with Marxism, have been the three main philosophies of international politics." Stanley Hoffmann & David P. Fidler, *Introduction to JEAN-JACQUES ROUSSEAU, ROUSSEAU ON INTERNATIONAL RELATIONS* at lxxvi (Stanley Hoffmann & David P. Fidler eds., 1991).

5. STANLEY HOFFMANN, *Hans Morgenthau: The Limits and Influence of "Realism"*, in JANUS AND MINERVA: ESSAYS IN THE THEORY AND PRACTICE OF INTERNATIONAL POLITICS 70, 73 (1987) [hereinafter JANUS AND MINERVA].

6. Anne-Marie Slaughter, *International Law in a World of Liberal States*, 6 EUR. J. INT'L L. 1, 5 (1995).

7. See STANLEY HOFFMANN, *Liberalism and International Affairs*, in JANUS AND MINERVA, *supra* note 5, at 394; Anne-Marie Slaughter Burley, *International Law and International Relations Theory: A Dual Agenda*, 87 AM. J. INT'L L. 205, 227 (1993); Slaughter, *supra* note 6, at 5-7.

Marx, Engels, and Lenin that international relations was little more than another arena where the historical dialectic was working its way toward socialism.<sup>8</sup>

The "big three" traditions identified above do not, however, represent all the traditions used in the study of international relations. E.H. Carr identified a conflict between realism and utopianism.<sup>9</sup> Martin Wight developed a different set of traditions that he called revolutionism, rationalism, and realism.<sup>10</sup> Yet another set of traditions involves traditionalism and behavioralism.<sup>11</sup> Michael Donelan posited the existence of five traditions: natural law, realism, fideism, rationalism, and historicism.<sup>12</sup> Another scholar notes the existence of an international society tradition.<sup>13</sup>

The vast array of traditions and traditions within traditions may appear to some as chaotic and confused.<sup>14</sup> But the plethora of traditions and schools suggests that the discipline of international relations uses them as anchors or guideposts in making sense out of the turbulent nature of international relations. These traditions ground analysis within theoretical and philosophical ideas that provide not only descriptive tools, but also normative positions in relation to the issues at stake. The exploration, examination, and reexamination of these traditions of thought constitute the common language of discourse about international relations. In following Kant's advice, I am partaking in this discourse and using it to examine the future of the Security Council. The resort to international relations theory undertaken here connects with a broader effort underway among international legal scholars to bring international relations thinking to bear in examining international legal questions.<sup>15</sup>

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8. On Marxism, see VENDULKA KUBÁLKOVÁ & ALBERT A. CRUICKSHANK, *MARXISM AND INTERNATIONAL RELATIONS* (2d ed. 1989).

9. E.H. CARR, *THE TWENTY YEARS' CRISIS, 1919-1939*, at 5-10, 22-88 (2d ed. 1946).

10. MARTIN WIGHT, *INTERNATIONAL THEORY: THE THREE TRADITIONS* 7-24 (Gabriele Wight & Brian Porter eds., 1991).

11. See Hedley Bull, *International Theory: The Case for a Classical Approach*, in *CONTENDING APPROACHES TO INTERNATIONAL POLITICS* 20 (Klaus Knorr & James N. Rosenau eds., 1969) (advocating use of a "classical approach" to the theory of international relations); Morton A. Kaplan, *The New Great Debate: Traditionalism vs. Science in International Relations*, in *CONTENDING APPROACHES TO INTERNATIONAL POLITICS*, *supra*, at 39 (advocating the utility of analyzing the behavior of states scientifically).

12. See MICHAEL DONELAN, *ELEMENTS OF INTERNATIONAL POLITICAL THEORY* 7-97 (1990).

13. Dunne, *supra* note 3, at 316.

14. Dunne comments that "there is a danger that . . . the coherence of the original traditions have [sic] been displaced by a Babel of contending voices." *Id.* at 307.

15. See, e.g., the work of Anne-Marie Slaughter (formerly Anne-Marie Burley), namely Anne-Marie Burley, *Toward an Age of Liberal Nations*, 33 HARV. INT'L L.J. 393 (1992).

### B. Across Traditions or Within a Tradition?

The future role and structure of the Security Council can be analyzed by working across traditions of thought in international relations theory or by examining the complexities of a single tradition. For example, it could be argued that the Security Council is a hybrid institution reflecting both realism and liberalism.<sup>16</sup> The Security Council bears realism's imprint in the veto power given to its five permanent members.<sup>17</sup> These permanent members form a "great power" club, which is given special authority and privileges in the United Nations system based on power considerations. The arguments for admitting Japan and Germany as permanent members of the Security Council are often phrased in terms of power: Japan and Germany deserve permanent seats because of their economic power in the international system.<sup>18</sup>

Yet, the Security Council also bears the imprint of liberalism, as it forms the centerpiece of a collective security system designed to deter aggression and increase peace and cooperation between states. The concept of collective security was designed to move international relations away from balance of power politics toward a system of collective responsibility and action against threats to peace and order. President Franklin D. Roosevelt stated that the creation of the United Nations "spells — and it ought to spell — the end of the system of unilateral action, exclusive alliances, and spheres of influence, and balances of

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[hereinafter *Toward an Age of Liberal Nations*] (arguing that liberal internationalism will be the framework for international politics in the next millennium); Anne-Marie Burley, *Law Among Liberal States: Liberal Internationalism and the Act of State Doctrine*, 92 COLUM. L. REV. 1907 (1992) (analyzing the act of state doctrine through the application of a liberal internationalist model of international relations); Slaughter Burley, *supra* note 7 (arguing for an interdisciplinary approach to international law utilizing international relations theory, especially liberal theory); Slaughter, *supra* note 6 (attempting to develop an integrated theory of international law and international relations); Anne-Marie Slaughter, *Liberal International Relations Theory and International Economic Law*, 10 AM. U. J. INT'L L. & POL'Y 717 (1995) [hereinafter *Liberal International Relations Theory*] (arguing that international relations theory can contribute to international law and applying liberal international relations theory to the extraterritorial application of U.S. law). Generally, on new approaches to the study of international law, see David Kennedy & Chris Tennat, *New Approaches to International Law: A Bibliography*, 35 HARV. INT'L L.J. 417 (1994).

16. Rochester writes that the United Nations "founders concocted an organization formed by a mix of motives, blending at least one part idealism with several parts realism." J. MARTIN ROCHESTER, *WAITING FOR THE MILLENNIUM: THE UNITED NATIONS AND THE FUTURE OF WORLD ORDER* 112 (1993).

17. U.N. CHARTER arts. 23, 27.

18. See Peter Wilenski, *The Structure of the UN in the Post-Cold War Period*, in UNITED NATIONS, DIVIDED WORLD: THE UN'S ROLES IN INTERNATIONAL RELATIONS 437, 442 (Adam Roberts & Benedict Kingsbury eds., 2d ed. 1993) [hereinafter UNITED NATIONS, DIVIDED WORLD].

power, and all the other expedients which have been tried for centuries and have always failed."<sup>19</sup> Collective security deemphasizes power as traditionally understood in the international system and attempts to create a mechanism where the exercise of power is grounded in the legitimacy of collective action.<sup>20</sup>

Combining the power analysis that characterizes realism and the collective security analysis of liberalism produces an institution that has no philosophical or theoretical foundation. If the Security Council is about management of the international system by great powers, then it is merely an institutional manifestation of traditional balance of power politics and great power prerogatives. The role of the great powers in the Security Council undermines, however, the purpose of collective security, which is to move international relations away from balance of power politics and great power machinations. Yet, the great powers that are permanent members cannot act expressly on power motivations because their status as permanent members relates to the objective of collective security. Under this analysis, the Security Council is caught between the dictates of realism and the aspirations of liberalism. As a sort of half-way house for realists and liberals, the Security Council is limited in its ability to act because it has no clear philosophical direction or vision guiding its activities.

Analyzing the Security Council as an uncomfortable compromise between realism and liberalism is, however, a somewhat misleading exercise because it fails to do justice to the tenets of realism. Properly understood, realism has no tolerance for the institutionalization of balance of power politics and great power prerogatives. If power is the defining characteristic in international relations as posited by realism, then the great powers will have a leading role, for better or worse, in international affairs; and packaging this fact of life in the trappings of an international organization changes nothing of the harsh reality of power politics.<sup>21</sup> To

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19. Brian Urquhart, *The Role of the United Nations in Maintaining and Improving International Security*, SURVIVAL, Sept.-Oct. 1986, at 388.

20. On the concept of collective security generally, see INIS L. CLAUDE, JR., SWORDS INTO PLOWSHARES: THE PROBLEMS AND PROGRESS OF INTERNATIONAL ORGANIZATION (4th ed. 1971); Karl Doehring, *Collective Security*, in 1 UNITED NATIONS: LAW, POLICIES, AND PRACTICE 110 (Rüdiger Wolfrum ed., 1995). The relationship between the theory of collective security and liberalism is traced later in this article. See *infra* note 69 and accompanying text.

21. Slaughter Burley notes that

[a]lthough many of the fathers of the United Nations would have argued that it was founded precisely on a Realist recognition of the necessities of power politics — hence the special privileges for the great powers sitting on the Security Council — Morgenthau specifically cites “the great attempts at organizing the world, such as the League of Nations and the United Nations,” as efforts to implement the wrongheaded

the pure realist, the Security Council is a mistaken sideshow of little practical importance.

A more sophisticated approach to analyzing the future of the Security Council is to work within the liberal tradition and to focus on the different strands of thought that compose liberal thinking on international relations. Just as different traditions exist, distinct lines of thought are discernible within the various traditions. The philosophical conundrum present in the Security Council can thus be analyzed not as an awkward compromise between realism and liberalism but as a reflection of competing perspectives within the liberal tradition. This line of inquiry posits that (1) the collective security system at the heart of the Security Council is a concept adopted by liberal thought on international relations, and (2) the tensions that limit the potential of the Security Council arise, at least partly, from the lack of consensus in liberal thought on the role of the Security Council. The focus on liberal thought is also appropriate because some have interpreted the collapse of communism and the end of the Cold War as the triumph of liberalism as *the* philosophy for the future.<sup>22</sup> Part of my argument challenges the "triumph of liberalism" thesis by demonstrating that liberal thought on international relations is not unified, but is, in fact, fractured along distinct fault lines. If the Security Council is built on shaky philosophical ground, then its future will always be marked by limitations created by the competing liberal perspectives.

## II. THE IDEA AND PURPOSE OF INTERNATIONAL ORGANIZATION

### A. *The Fundamental Purpose of the United Nations*

The fundamental Charter-mandated purpose of the United Nations is "[t]o maintain international peace and security[.]"<sup>23</sup> The Security Council is the most important organ of the United Nations because it has "primary responsibility for the maintenance of international peace and security[.]"<sup>24</sup> The Security Council was to fulfill this responsibility —

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"conviction that the struggle for power can be eliminated from the international scene."

Slaughter Burley, *supra* note 7, at 207–08 n.6.

22. See, most famously, FRANCIS FUKUYAMA, *THE END OF HISTORY AND THE LAST MAN* (1992).

23. U.N. CHARTER art. 1, ¶ 1. The preamble of the U.N. Charter states that the peoples of the United Nations are determined "to save succeeding generations from the scourge of war[.]" *Id.* pmbl.

24. *Id.* art. 24.



and thus the fundamental purpose of the United Nations — through a system of collective security.<sup>25</sup>

To locate the philosophical foundation of the Security Council, it is necessary to analyze the origins of the idea that an international organization should be created and empowered to maintain international peace and security. Such an analysis will demonstrate that the philosophical foundation for the Security Council is liberalism.

### *B. The Formative Period of Liberal Thought on International Relations*

The proposition that states should join together in a formal and organized manner to cooperate on the prevention of war predates the development of liberal thinking on international relations.<sup>26</sup> In 1623, Eméric Crucé published "the first proposal for an international organisation that was also a proposal for maintaining peace."<sup>27</sup> Other early proposals for establishing some form of international organization included the work of the French diplomat Sully (1638), William Penn (1693), John Bellers (1710), and Saint-Pierre (1712).<sup>28</sup> Each of these early plans for international organization sought to end war between European states by proposing a union or association of sovereign states that would possess the power to use force to deal with states that breached the peace.<sup>29</sup>

The idea of international organization was of sufficient popularity and weight to cause Jean-Jacques Rousseau, perhaps the most pessimistic of realists,<sup>30</sup> to explain and criticize the ideas of Saint-

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25. *Id.* ch. VII. As Urquhart points out, "[i]t is now seldom recalled that the original Charter idea was that the collective security system of the United Nations would provide the sense of security and mutual confidence which would allow disarmament and arms control to proceed under the auspices of the Security Council." Urquhart, *supra* note 19, at 393.

26. Michael Howard located in pre-liberal peace theorists the seeds of what he calls the liberal conscience regarding war. See MICHAEL HOWARD, *WAR AND THE LIBERAL CONSCIENCE* 13-21 (1978).

27. F.H. HINSLEY, *POWER AND THE PURSUIT OF PEACE* 20 (2d ed. 1967). Crucé's thinking about war and peace is also notable for his emphasis that free trade and economic development were the long-term solutions to war. HOWARD, *supra* note 26, at 20. The importance of free trade and economic interdependence in liberal thought will be traced at various points later in this article.

28. Hinsley writes that "Crucé apart, these men were the authors of the first proposals of modern times for establishing an international organisation whose primary object was the maintenance of peace." HINSLEY, *supra* note 27, at 33.

29. Hinsley writes that "the dilemma involved in the need to base peace on the ultimate sanction of force . . . is inherent in the very notion of achieving peace by organisation between separate states." *Id.* at 37.

30. Hoffmann & Fidler, *supra* note 4, at lxxvii.

Pierre.<sup>31</sup> Rousseau's critique of Saint-Pierre's *Project for Perpetual Peace* remains a classic realist analysis of the idea of using international organization to prevent war and to provide security for independent sovereign states. For Rousseau, the nature of the international system — sovereign states interacting without a supreme authority — forces states to provide for their own security.<sup>32</sup> The uncertainty present in the international system makes states seek power advantages over other states. Each effort by a state to increase national security produces a response from other states which feel threatened by the increase in power of that state. The establishment of an international organization does not break the cycle of the security dilemma because no state can relinquish its sovereignty as it relates to national security in an international system. Rousseau believed that the nature of the international system forces princes to follow their "apparent" interests in power and to ignore their "real" interests in a lasting peace.<sup>33</sup> Rousseau admitted that the theory of international organization — that states should relinquish sovereignty to an organization looking out for the security and interests of the whole — had a humane logic to it. Rousseau noted that "[t]he advantages which its realization would bring to each prince, to each nation, to the whole of Europe, are immense, manifest, incontestable[.]"<sup>34</sup> But, he concluded that "to be sane in a world of madmen is in itself a kind of madness."<sup>35</sup> Rousseau believed that the only way to establish an international organization with the power to punish breaches of the peace was "by a revolution," which Rousseau was not sure was "a thing more to be desired or feared."<sup>36</sup> Rousseau's emphasis on the anarchy of the international system, the importance of power, the competition dynamic,

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31. See JEAN-JACQUES ROUSSEAU, *Abstract and Judgement of Saint-Pierre's Project for Perpetual Peace*, in ROUSSEAU ON INTERNATIONAL RELATIONS, *supra* note 4, at 53. Rousseau was not alone in taking aim at Saint-Pierre and the idea of international organization. Hinsley notes that Cardinal Fleury, Frederick the Great, and Voltaire all dismissed Saint-Pierre's project as unrealistic or impracticable. See HINSLEY, *supra* note 27, at 45. But it was Rousseau who undertook "the first modern analysis of the international problem" in his work on Saint-Pierre. *Id.*

32. The state on the other hand, being an artificial body, has no fixed measure; its proper size is undefined; it can always grow bigger; it feels weak so long as there are others stronger than itself. Its safety and preservation demand that it makes itself stronger than its neighbours. . . .

. . . [I]t is forced to compare itself in order to know itself . . . .

JEAN-JACQUES ROUSSEAU, *The State of War*, in ROUSSEAU ON INTERNATIONAL RELATIONS, *supra* note 4, at 33, 37–38.

33. ROUSSEAU, *supra* note 31, at 89–90.

34. *Id.* at 88.

35. *Id.*

36. *Id.* at 100.

and the prevalence of war expresses realism's tenets; his rejection of international organization retains its realist edge even today.

The initial development of liberal thinking on international relations in the seventeenth and eighteenth centuries did not include a role for international organization. The early liberal thinkers, such as John Locke and David Hume,<sup>37</sup> posited that the law of nature, trade, and the balance of power would be the guarantors of order and peace in the international system.<sup>38</sup> Liberal thought as represented by Locke and Hume did not include the transformation and improvement of international relations.<sup>39</sup> In fact, early liberal thought could be distinguished from the work of the early peace theorists by its rejection of the idea of international organization.

The emphasis on the balance of power as a force for moderation in the thinking of Locke and Hume did not go unchallenged in liberal thinking as it developed in the eighteenth century. The *philosophes* attacked the balance of power as irrational and arbitrary.<sup>40</sup> Rather than promote the idea of some form of world government or international organization as an alternative to the balance of power, the *philosophes* promoted the idea that economic interdependence, a concept also found in Locke and Hume, would bind states together in a community of interests that would make war unthinkable.<sup>41</sup> Even at this early stage in its development, liberal thought contained tensions about the proper path to international peace and security in the division over the balance of power.<sup>42</sup>

The idea of international organization makes its appearance in liberal thought through the thinking of Immanuel Kant and Jeremy Bentham. Kant wrote that "the state of peace cannot be founded . . .

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37. HOFFMANN, *supra* note 7, at 402.

38. See David P. Fidler, *War, Law & Liberal Thought: The Use of Force in the Reagan Years*, 11 ARIZ. J. INT'L & COMP. L. 45, 53-54 (1994). Hume wrote a classic essay in which he praised the balance of power. See DAVID HUME, *Of the Balance of Power*, in ESSAYS: MORAL, POLITICAL, AND LITERARY 339 (Grant Richards ed., 1903) (1741).

39. Fidler, *supra* note 38, at 53.

40. Felix Gilbert, *The "New Diplomacy" of the Eighteenth Century*, 4 WORLD POL. 1, 8, 10-11 (1951).

41. Fidler, *supra* note 38, at 57-58.

42. As used in this essay, the "balance of power" has the general meaning given to it by Vattel: "[A] state of affairs such that no one power is in a position where it is preponderant and can lay down the law to others." HEDLEY BULL, *THE ANARCHICAL SOCIETY* 101 (1977). Generally, on the balance of power in international relations, see *id.* at 101-26; EDWARD V. GULICK, *EUROPE'S CLASSICAL BALANCE OF POWER* (1967); HANS J. MORGENTHAU, *POLITICS AMONG NATIONS* 173-228 (5th ed. rev. 1978); WIGHT, *supra* note 10, at 164-79.

without a compact of the nations with each other."<sup>43</sup> This compact between independent states would have as its goal the renunciation of the right to wage war, for Kant argued that "[t]he notion of a right to go to war cannot be properly conceived as an element in the law of nations."<sup>44</sup> Kant thus rejects the balance of power as a source of order in international relations. Kant's compact sounds very much like the international organizations proposed in the seventeenth and early-eighteenth centuries by Crucé, Sully, Penn, Bellers, and Saint-Pierre in the emphasis on giving up the right to wage war as a condition for joining the international organization.

Kant's international organization is, however, radically different from those earlier proposals. First, Kant invested the international compact with no powers to maintain international peace and security in the event one state resorted to force against another state.<sup>45</sup> Second, the purpose of the international compact was to base cooperation between independent states upon "an improved law of nations."<sup>46</sup> The removal of the right to wage war from the law of nations was one aspect of this new international law, but Kant also stressed the importance of what he called the "Cosmopolitan" or "World law." This Cosmopolitan Law was limited to providing the right of universal hospitality, which was a right to trade and travel without discrimination.<sup>47</sup> Cosmopolitan Law formed part of Kant's belief in the peaceful effects of trade and commerce, a belief Kant shared with Locke, Hume, and the *philosophes*. Third, Kant stressed the importance of the constitution of the states joining the international compact to the prospects for a lasting peace. Kant's First Definitive Article in his plan for perpetual peace was that "[t]he civil constitution in every State shall be republican."<sup>48</sup> One of the key pillars of peace in Kant's theory is the transformation of states themselves toward democratic government. Ideological like-mindedness would provide a foundation of trust for the international compact.<sup>49</sup> This trust would allow states to engage in the reduction and elimination of stand-

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43. KANT, *supra* note 1, at 84.

44. *Id.* at 85.

45. HINSLEY, *supra* note 27, at 66.

46. *Id.* at 68.

47. *Id.* at 65.

48. KANT, *supra* note 1, at 76.

49. Hinsley writes that Kant "regarded the internal improvement of states not as a guarantee of international peace but at most as a condition of it and perhaps as a consequence of it." HINSLEY, *supra* note 27, at 76.

ing armies, or disarmament.<sup>50</sup> Fourth, Kant envisioned the international compact as a global, rather than just as a European, institution.<sup>51</sup>

While Kant's vision for his international organization was profound, the envisioned international organization was very limited and without formal institutions or enforcement powers. Kant's compact is not about maintaining international peace and security but is concerned with establishing a peaceful dynamic in which democratic states could obtain peace through disarmament and trade. The real forces at work in Kant's thinking are ideological like-mindedness and economic interdependence.<sup>52</sup>

Bentham's plan for international peace included a different role for international organization. Bentham echoed the lack of interest in international organizations demonstrated by early liberal writers and eighteenth century philosophers.<sup>53</sup> For example, two key planks of his project for universal peace were decolonization and disarmament<sup>54</sup> — projects Bentham believed could be undertaken without the help of an international organization.<sup>55</sup> Hinsley writes that Bentham, in opposing the balance of power and favoring peace through free trade, "was wholly representative of the prevailing attitude to international relations in the second half of the eighteenth century."<sup>56</sup> But, as with Kant, Bentham incorporated a very limited notion of international organization into his thinking. Bentham favored the creation of an international tribunal for resolving international disputes.<sup>57</sup> Bentham added, however, an enforcement mechanism to support the decisions of the international tribunal — world public opinion.<sup>58</sup> It is in this last piece of the plan that Bentham connects most directly with Kant. Bentham realized that for public opinion to be an enforcement mechanism, "liberty of the press in each

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50. KANT, *supra* note 1, at 71.

51. Kant wrote that "the idea of a cosmopolitan right of the whole human race is no fantastic or overstrained mode of representing right, but is a necessary completion of the unwritten code which carries national and international law to a consummation in the public law of mankind." *Id.* at 89.

52. On Kant's international relations thinking, see generally CARL J. FRIEDRICH, *INEVITABLE PEACE* (1948); Andrew Hurrell, *Kant and the Kantian Paradigm in International Relations*, 16 *REV. INT'L STUD.* 183 (1990); Kenneth J. Waltz, *Kant, Liberalism, and War*, 56 *AM. POL. SCI. REV.* 331 (1962).

53. HINSLEY, *supra* note 27, at 81.

54. *THE ANGLO-AMERICAN TRADITION IN FOREIGN AFFAIRS 186-88* (Arnold Wolfers & Laurence Martin eds., 1956) [hereinafter *ANGLO-AMERICAN TRADITION*].

55. HINSLEY, *supra* note 27, at 83-85.

56. *Id.* at 82.

57. *ANGLO-AMERICAN TRADITION*, *supra* note 54, at 189.

58. *Id.*

state" would have to be guaranteed.<sup>59</sup> What Bentham indirectly advocated was a form of domestic government that was democratic in that the people could remove the leaders for failing to heed public opinion.<sup>60</sup> Bentham's disciple, James Mill, made this democratic assumption even more explicit.<sup>61</sup> Thus, like Kant, a key to Bentham's limited international organization is the democratic development of the states in the international system.

In its formative phase, liberal thought on international relations already exhibited different emphases on important aspects of international politics, most particularly the balance of power. A consensus seemed to form on the importance of economic interdependence in constraining the behavior of states. Both Kant's and Bentham's theories agree on the necessity for democracies and disarmament in the international system. Through their thinking, the idea of international organization was incorporated into liberal thought in a very limited way. However, neither Kant nor Bentham empowered their limited international organizations to maintain actively international peace and security. Clearly, the foundation for the Security Council was not laid in the formative period of liberal thought on international relations.

### C. *From the Formative Period to the League of Nations*

In the decades after the formative period of liberal thought on international relations until the First World War, the idea that international organization was necessary to maintain international peace and security did not advance significantly in liberal thought. Bentham's proposal for an international court to adjudicate disputes, the decisions of which would be enforced by world public opinion, was the dominant theme in ideas for international organization presented in the United States and Great Britain during the nineteenth century.<sup>62</sup> Hinsley notes that some continental writers differed substantially from Anglo-Saxon international activists in proposing European federation as a solution to the problem of war.<sup>63</sup> These nineteenth century reprises of the federative plans from the seventeenth and early eighteenth centuries did not, how-

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59. *Id.*

60. Howard notes that "[u]nderlying the ideas of Bentham and all his disciples was the assumption that all peoples, all nations, all cultures, were homogenous, or could be made so. . . . Bentham in fact wanted to turn everyone into Englishmen." HOWARD, *supra* note 26, at 34-35. This "form of cultural imperialism," *id.* at 34, is part of the reason why Howard attacks Bentham's work as "smug, parochial and simplistic," *id.* at 33.

61. HINSLEY, *supra* note 27, at 89.

62. *Id.* at 92, 116.

63. *Id.* at 103.

ever, sink deep roots in the peace movements of the nineteenth century.<sup>64</sup> The dominant themes of nineteenth century peace thinking were similar to the ideas which developed in the formative period of liberal thought: democracy, disarmament, economic interdependence, and international tribunals for the peaceful settlement of disputes backed up by enlightened public opinion.<sup>65</sup>

The realities of nineteenth century international politics rendered heavy blows to the prevailing direction of liberal thought. The growing power of the state, the lack of democratic development in the international system, the failure of disarmament proposals, the rise of nationalism, and the outbreak of wars (especially the Crimean War (1854–56) and the wars of German unification (1864, 1866, and 1870–71)) led some thinkers to posit the need for an international organization to enforce, by military power, international law and the decisions of international tribunals.<sup>66</sup> Although this initial movement toward the conception of an international organization empowered to maintain international peace and security was overshadowed by “plans for codifying international law and on elaborating an arbitration procedure working without sanctions[,]”<sup>67</sup> this conception returned to the forefront of discussion at the end of the century as relations between the great European powers deteriorated.<sup>68</sup> Prior to the First World War, no substantial progress was made toward the foundation of an international organization empowered to maintain international peace and security. Nonetheless, the notion that the limited international organizations envisioned by Kant and Bentham would be insufficient to maintain peace had found its way, albeit precariously, into liberal thought on international relations.

#### *D. The Arrival of Collective Security: The League of Nations and the United Nations*

The cataclysm of the First World War provided the opportunity for the theory of collective security to find a prominent place in liberal thought on international relations in the form of the League of Nations. The reappearance of a collective security system in the United Nations after the Second World War confirmed the theory of collective security as a key component of liberal international thought. In the League of Nations and the United Nations, liberal states played the leading roles in

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64. *Id.* at 116–17.

65. *See generally id.* at 92–149.

66. *Id.* at 135–37.

67. *Id.* at 137.

68. *Id.* at 139.

creating international organizations charged with maintaining international peace and security. The leading liberal figure in the initial creation of a collective security system was Woodrow Wilson, who has been referred to as "the father of the modern concept of collective security[.]"<sup>69</sup> In essence, liberal thought adopted an idea it had previously rejected: the establishment of an international organization empowered to keep the peace among states. What is not appreciated today is that the adoption of the theory of collective security was a radical development in the history of liberal thought on international relations. The movement to a collective security mechanism within an international organization represented an attempt to restrict state sovereignty *institutionally*, in contrast to the more organic restraints and limits previously envisioned by liberal thinkers, like the development of democracy and economic interdependence.

In one respect, the adoption of a collective security system in the League of Nations and the United Nations conformed to one aspect of liberal thought: the rejection of the balance of power.<sup>70</sup> In all other respects, however, a collective security approach represents an innovation in liberal thought because it seeks to restrain sovereignty formally and substantially through an international organization. A collective security system has two basic elements. First, the unilateral resort to war by a state is restricted in international law. The Covenant of the League of Nations restricted the sovereign right to resort to force.<sup>71</sup> So too, does the Charter of the United Nations.<sup>72</sup> Second, a mechanism to provide for the collective use of force by the international community against a state threatening international peace and security is created. Both the League

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69. M.V. NAIDU, *COLLECTIVE SECURITY AND THE UNITED NATIONS* 4 (1974).

70. BULL, *supra* note 42, at 239 (asserting that the principle of collective security rejects the balance of power).

71. The Covenant contained three restrictions on the right to wage war: states could not (1) resort to war within the three months that followed an arbitral or judicial decision, (2) enter war with a state that had conformed to an arbitral or judicial decision, and (3) enter war with a state that had conformed to the unanimous recommendations of the Council of the League of Nations. LEAGUE OF NATIONS COVENANT art. 12, para. 6, art. 13, para. 4, art. 15, para. 6. For an analysis of the Covenant's provisions restricting the use of force, see IAN BROWNLIE, *INTERNATIONAL LAW AND THE USE OF FORCE BY STATES* 55-65 (1963).

72. Article 2(4) of the U.N. Charter states: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." U.N. CHARTER art. 2, ¶ 4. For an analysis of Article 2(4) of the U.N. Charter, see Louis Henkin, *The Use of Force: Law and U.S. Policy*, in *RIGHT V. MIGHT: INTERNATIONAL LAW AND THE USE OF FORCE* 37 (2d ed. 1991).



of Nations<sup>73</sup> and the United Nations<sup>74</sup> established a collective security mechanism.

The introduction of collective security concepts into liberal thought on international relations brought with it darker assumptions about the nature of international relations that accompanied the creation of the League of Nations and the United Nations. Prior to the inception of these organizations, liberals were animated by a faith and confidence in human reason and progress.<sup>75</sup> Stanley Hoffmann observed that "[t]he champions of progress predicted a sort of rollback of war by reason and a victory of commerce over conquest. They foresaw a world in which state power would have been shrunk and rendered largely harmless by the growth of the sphere of individual transactions across borders."<sup>76</sup> A key element to this liberal faith in reason and progress was a belief in the "harmony of interests," which Carr described as "the doctrine of the identity of interests [which] has commonly taken the form of an assumption that every nation has an identical interest in peace, and that any nation which desires to disturb the peace is therefore both irrational and immoral."<sup>77</sup>

A notable exception to proponents of this liberal faith in reason was Kant, who had a very dark view of human nature and the potential of reason. In fact, Kant attempted to show that man's irrationality would slowly diminish over the course of history through war.<sup>78</sup> The coming of age of the collective security system suggested that liberals were losing their faith in the rationality of states and peoples — a belief that had provided the foundation for much of liberal thought. The power and violence of an aggressor could not be prevented or punished by world public opinion or economic interdependence but only by the countervailing power possessed and wielded by an international organization on

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73. Article 16(1) of the Covenant provided that: "Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League." LEAGUE OF NATIONS COVENANT art. 16, para. 1. Since each League member promised to protect the territorial integrity and political independence of all other League members against external aggression, see *id.* art. 10, Article 16 of the Covenant committed League members to impose economic sanctions against the aggressor and authorized the League to make recommendations for military action by the League against the aggressor, *id.* art. 16.

74. In the case of "any threat to the peace, breach of the peace, or act of aggression[.]" the Security Council is empowered to call for economic and diplomatic sanctions, or to take military action to maintain or restore international peace and security, with military forces made available by member states. U.N. CHARTER arts. 39–43.

75. See CARR, *supra* note 9, at 22–31; see also HOWARD, *supra* note 26, at 32.

76. HOFFMANN, *supra* note 7, at 402.

77. CARR, *supra* note 9, at 51.

78. HINSLEY, *supra* note 27, at 72–75.

behalf of the international community. Although the collective security system rejects balance of power politics as practiced by individual states and alliances of states, collective security endeavors to establish a deterrent to any single state based on a preponderance of power of all the rest of the states.<sup>79</sup> In incorporating the idea of collective security, liberal thought brought back the relevance of power as a factor in international relations, a relevance last emphasized by Locke's and Hume's support for a balance of power. The re-acknowledgment of power present in the collective security idea contained echoes of liberalism's theoretical nemesis: realism.

The collective security system, as manifested in the Security Council with its "great power" club, constituted an even more dramatic acceptance of the importance of power in maintaining international peace and security. This express acknowledgment of one of the fundamental tenets of realism had two sources: (1) the framers of the United Nations believed that one of the reasons the League of Nations failed as a collective security system was that it "lacked teeth" — and giving the great powers primary roles would make their respective "teeth" a real factor in collective security, and (2) none of the great powers would endorse the collective security system without a veto power over the actions of the Security Council.<sup>80</sup> Through collective security, liberal thinking attempted to effect an "institutionalization of power"<sup>81</sup> rather than leave power politics in a decentralized, anarchic environment. Collective security represented a radical theoretical development in liberal thought because it was based on two elements — power and international organization — that traditionally had been rejected or minimized in liberal thinking.

Although the adoption of collective security marked a radical change in liberal thinking on international relations, the collective security system established in the United Nations still retained some of the old liberal belief in the "harmony of interests." For collective security to work through the Security Council, the great powers would have to share identical interests in preserving the peace and pursue such shared interests cooperatively. If it was no longer plausible for liberals to believe that the "harmony of interests" extended throughout the international system, then liberals reduced the scope of this doctrine and ap-

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79. BULL, *supra* note 42, at 239.

80. HINSLEY, *supra* note 27, at 340; Frederic L. Kirgis, Jr., *The Security Council's First Fifty Years*, 89 AM. J. INT'L L. 506, 507 (1995).

81. Malbone W. Graham, *Great Powers and Small States*, in PEACE, SECURITY & THE UNITED NATIONS 57, 71 (Hans J. Morgenthau ed., 1946).

plied it to the great powers with permanent seats on the Security Council.<sup>82</sup> The recognition of the power element in international relations that is apparent in the liberal adoption of the collective security idea cuts into the "harmony of interests" doctrine; but the rationalism of earlier liberal thought survives in the assumption that the permanent members of the Security Council share a commitment to the preservation of peace.

### *E. The Renaissance of the Balance of Power in Liberal Thought*

International politics following the Second World War quickly rendered the Security Council's collective security system moribund. The superpower rivalry between the United States and the Soviet Union froze the collective security mechanism since the veto power of either state killed any possibility that the Security Council could play any role in maintaining international peace and security. The almost immediate collapse of the Security Council's fundamental responsibility had a profound effect on liberal thinking because it marked the ascendancy of a new liberal perspective that returned the balance of power to the forefront of dealing with international peace and security. Led by the United States, the liberal states in the international system pursued a policy of containment of Soviet power and ignored the Security Council as an institution with any potential to preserve international order.

The reemergence of the balance of power as a central feature of liberal international thinking represented something old as well as something new in liberal thought. The emphasis on the balance of power in the period from 1948 to 1989 in liberal thinking and diplomacy recalled the ideas of Locke and Hume, both of whom considered the balance of power to be one of the moderating influences in international politics. For Locke and Hume, however, the balance of power was one of three main moderating forces (the other two being the law of nature and trade); but for liberal thinking in the Cold War era, the balance of power became the most important aspect of foreign policy. The ascendancy of the balance of power in liberal thinking also represented something new

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82. As Kirgis points out, the Security Council permanent members' veto power replaced the provision in the League of Nations Covenant that required unanimity in the League Council and Assembly. Kirgis, *supra* note 80, at 506-07. Kirgis notes the "harmony of interests" thinking behind the creation of the Security Council:

The assumption was that, as in the days of the League, many international disputes would be of little or no interest to the major powers. They would wish to see such disputes resolved amicably, and would have no real incentive to veto dispute settlement measures that were acceptable to a Council majority.

*Id.* at 507-08 (footnote omitted).

in that it marked the first time that liberal thought explicitly relied on key tenets of realism. The attempt to institutionalize power in a collective security system indicated that liberalism was edging closer to realism, but the failure of the collective security system allowed realist beliefs to exert even stronger influence in liberal thinking.

The incorporation of realist attitudes by liberals did not mean that realism had swallowed up liberalism. Liberals who could not deny the power of realist analysis in analyzing international politics likewise could not submit entirely to the bleak future realism offered. The curious blend of liberalism and realism present in liberal thinkers of the post-Second World War period has been noted by commentators.<sup>83</sup> Stanley Hoffmann portrayed this mixture of liberalism and realism within liberals as "a kind of permanent dialogue between Rousseau and Kant," meaning that the "statesman's difficulty is that he *must* play the game of international competition, from which he can escape only exceptionally, and at the same time he *ought* not to lose sight of Kant's ideal."<sup>84</sup> This dialogue in liberal thinking during the Cold War period resulted in the maintenance of the balance of power to provide an order in international relations in which democracies could be secure and perhaps prosper. At the same time, the realism of the balance of power intertwined with the traditional liberal concerns for economic interdependence and democracy as liberal states attempted to promote freer trade and economic interdependence through the General Agreement on Tariffs and Trade, regional cooperation, and bilateral partnerships.<sup>85</sup>

### III. THE TRADITIONS WITHIN THE LIBERAL TRADITION AND THE FUTURE OF THE SECURITY COUNCIL

The brief overview of the idea of international organization in liberal thought on international relations indicates that the liberal tradition actually contains three different perspectives on the wisdom of attempting to maintain international peace and security through an international organization. I call these perspectives liberal internationalism, liberal realism, and liberal globalism. In this Part, I will outline the

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83. See HOFFMANN, *supra* note 7, at 394; JUDITH N. SHKLAR, *LEGALISM: LAW, MORALS, AND POLITICAL TRIALS* 125 (2d ed. 1986). The impossibility that liberals could fully embrace realism was also noted by inter-war commentators. See CARR, *supra* note 9, at 89-94; REINHOLD NIEBUHR, *MORAL MAN AND IMMORAL SOCIETY*, 231-32 (1932).

84. Hoffman & Fidler, *supra* note 4, at lxx-lxxi.

85. Robert Gilpin writes that, after the Second World War, "[l]ed by the American hegemon, the major trading nations moved in the direction of the precepts of liberal trade theory." ROBERT GILPIN, *THE POLITICAL ECONOMY OF INTERNATIONAL RELATIONS* 190 (1987).

perspectives of each of these traditions in relation to the idea of using an international organization to maintain international peace and security and discuss the position of each tradition concerning the future of the Security Council.

### A. Liberal Internationalism

The term "liberal internationalism" refers to the tradition of liberal thought that views international organization as vital to the maintenance of international peace and security.<sup>86</sup> This is a belief in the need to empower an international organization with authority to maintain or to be involved in maintaining international peace and security. This idea developed in the first half of the twentieth century and was not part of prior liberal thought on international relations. Liberal internationalism differs from traditional liberal theory in its emphasis on international organization and its recognition of the role of power in international relations.

Despite the spectacular failures of the collective security systems in the League of Nations and the United Nations, liberal internationalism was not consigned to the ash heap of history. During the Cold War, the Security Council developed peacekeeping as a way of giving itself a role in maintaining international peace and security. Although peacekeeping does not directly involve collective security,<sup>87</sup> the peacekeeping function is compatible with the objective of maintaining international

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86. My use of the term "liberal internationalism" overlaps with Anne-Marie Slaughter's definition of "liberal internationalism," which she defines as the "belief 'in the necessity of leadership by liberal democracies in the construction of a peaceful world order through multilateral cooperation and effective international organizations.'" *Toward an Age of Liberal Nations*, *supra* note 15, at 394 (quoting Richard N. Gardner, *The Comeback of Liberal Internationalism*, WASH. Q., Summer 1990, at 23). My use of liberal internationalism differs from Slaughter's in that she does not identify collective security and the Security Council as belonging to liberal theory on international relations. Slaughter identifies realism, liberalism, and institutionalism as the "three principal schools of international relations theory[.]" *Liberal International Relations Theory*, *supra* note 15, at 718. Slaughter defines institutionalism as a theoretical perspective reflecting "the belief that 'rules, norms, principles and decision-making procedures' can mitigate the effects of anarchy and allow states to cooperate in the pursuit of common ends[.]" *Id.* at 724-25. She classifies the U.N. Charter and its collective security system as belonging to institutionalism rather than liberalism. *Id.* at 726-27. As shown in Part II, however, the very ideas of international organization and collective security form key parts of the liberal tradition of thinking about international relations. Slaughter's own definition of liberal internationalism includes "effective international organization." I see "institutionalism" as part of the liberal tradition rather than an entirely different theory. Slaughter acknowledges that her use of institutionalism differs from other international relations scholars, like Robert Keohane, who place institutionalism within the liberal tradition. *Id.* at 724 n.25.

87. A. LEROY BENNETT, *INTERNATIONAL ORGANIZATIONS* 140 (5th ed. 1991).

peace and security.<sup>88</sup> Indeed, it has helped to contain local conflicts from escalating into regional or international conflicts.<sup>89</sup>

The end of the Cold War and the reinvigoration of the Security Council has brought liberal internationalism back into the limelight. The successful authorization by the Security Council of the use of force by member states during the 1990–91 Gulf War raised hopes that the Security Council would again be considered vital to maintaining international peace and security.<sup>90</sup> Proponents of liberal internationalism also note that today's main threats to international peace and security come not from interstate relations but from the disintegration of states and civil societies.<sup>91</sup> The Security Council has adapted to this reality by engaging in what has been described as peacemaking and humanitarian intervention in Somalia, Haiti, Rwanda, and the former Yugoslavia. The importance and relevance of the Security Council to questions of present day international peace and security finds support in the frequency with which the Security Council has been called on since the end of the Cold War to deal with conflicts. As Rochester has argued, "there is little to support the argument that the UN is marginal to most modern day conflict."<sup>92</sup>

Liberal internationalism illustrates not only the relevance of the Security Council in relation to questions of peace and security but also the increasing role of the Security Council in the democratization of the international system. The Security Council's backing of the use of military force to restore Haitian democracy illustrates the Security Council's

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88. Sally Morphet, *UN Peacekeeping and Election-Monitoring*, in UNITED NATIONS, DIVIDED WORLD, *supra* note 18, at 183.

89. Adam Roberts & Benedict Kingsbury, *Introduction: The UN's Roles in International Society Since 1945*, in UNITED NATIONS, DIVIDED WORLD, *supra* note 18, at 1, 33; cf. Michael Howard, *The Historical Development of the UN's Role in International Security*, in UNITED NATIONS, DIVIDED WORLD, *supra* note 18, at 63, 77–78. Morphet observed that since 1945, the United Nations had created twenty-nine peacekeeping operations, sixteen of them since 1987. Morphet, *supra* note 88, at 183.

90. For analyses of the performance of the Security Council in response to Iraq's invasion of Kuwait, see Derek Gilman, *The Gulf War and the United Nations Charter: Did the Security Council Fulfill Its Original Mission?* 24 CONN. L. REV. 1131 (1992); Stephen M. De Luca, Comment, *The Gulf Crisis and Collective Security Under the United Nations Charter*, 3 PACE Y.B. INT'L L. 267 (1991); Christopher John Sabec, Note, *The Security Council Comes of Age: An Analysis of the International Legal Response to the Iraqi Invasion of Kuwait*, 21 GA. J. INT'L & COMP. L. 63 (1991).

91. Cf. Leslie H. Gelb, *Quelling the Teacup Wars: The New World's Constant Challenge*, FOREIGN AFF., NOV.–DEC. 1994, at 2, 5.

92. ROCHESTER, *supra* note 16, at 124. In response to the recent vigor of the Security Council, Kirgis notes that issues surrounding the Security Council's performance since the end of the Cold War "have had much more to do with the possible abuse of power than with the abdication of it." Kirgis, *supra* note 80, at 537.

potential to include democracy as an element of maintaining international peace and security.<sup>93</sup> This development parallels the fact that the United Nations is increasingly an agent of democratization in the international system.<sup>94</sup>

Questions about the future of the Security Council take on great meaning for liberal internationalism because the Security Council remains the central organ of the United Nations with a mandate to maintain international peace and security. As one commentator stated: "The need for an effective United Nations is real."<sup>95</sup> The key questions under the liberal internationalist perspective concern what the Security Council should do in the future and with what structure. Structural reforms receive the most attention, mainly in the form of adding certain states as new permanent members of the Security Council.<sup>96</sup> Discussion about the substantive role the Security Council should play in maintaining international peace and security includes proposals to make the collective security system work properly, to improve peacekeeping, and to strengthen the commitment to peacemaking and humanitarian intervention.<sup>97</sup>

93. For analyses of the Security Council's actions with respect to Haiti, see Richard Falk, *The Haiti Intervention: A Dangerous World Order Precedent for the United Nations*, 36 HARV. INT'L L.J. 341 (1995); see also Michael J. Glennon, *Sovereignty and Community After Haiti: Rethinking the Collective Use of Force*, 89 AM. J. INT'L L. 70 (1995).

94. ROCHESTER, *supra* note 16, at 128. In this respect, the Security Council's actions support what some observe is a developing right of democratic governance in international law. Compare Thomas M. Franck, *The Emerging Right to Democratic Governance*, 86 AM. J. INT'L L. 46 (1992) (arguing that a right to democratic governance has emerged under international law) with Thomas Carothers, *Empirical Perspectives on the Emerging Norm of Democracy in International Law*, 86 PROC. AM. SOC'Y INT'L L. 261 (1992) (arguing that the norm of democracy in international law is based on superficial empirical evidence).

95. Roger A. Coate, *The Future of the United Nations*, in U.S. POLICY AND THE FUTURE OF THE UNITED NATIONS 3, 3 (Roger A. Coate ed., 1994).

96. Ronald I. Spiers, *Reforming the United Nations*, in U.S. POLICY AND THE FUTURE OF THE UNITED NATIONS, *supra* note 95, at 19, 27-28. For an analysis of the debate on expanding the number of permanent members, see Michelle Smith, *Expanding Permanent Membership in the UN Security Council: Opening a Pandora's Box or Needed Changes?*, 12 DICK. J. INT'L L. 173 (1993).

97. An extensive plan for Security Council reform is contained in the report of the Secretary-General of the United Nations released in June 1992. In *An Agenda for Peace*, the Secretary-General sets out five goals for the Security Council's future: (1) to improve the Security Council's capabilities in preventive diplomacy, (2) to engage in peacemaking when conflicts erupt, including the use of military force, (3) to preserve peace through peacekeeping, (4) to engage in peace-building in post-conflict settings, and (5) to address the underlying causes of conflict. Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking, and Peace-keeping: Report of the Secretary-General*, U.N. GAOR, 47th Sess., Agenda Item 10, U.N. Doc. A/47/277 (1992) [hereinafter *An Agenda for Peace*]. On Security Council reform, see Maurice Bertrand, *The Historical Development of Efforts to Reform the UN*, in UNITED NATIONS, DIVIDED WORLD, *supra* note 18, at 420, 431, 435-36; Barry M. Blechman, *The Military Dimensions of Collective Security*, in U.S. POLICY AND THE FUTURE OF THE UNITED NATIONS, *supra* note 95, at 67; Krause, *supra* note 2, at 277-84; Wilenski, *supra* note 18, at 437, 441-45.

Discussions about potential structural and substantive reforms of the Security Council illuminate some fundamental tensions in liberal internationalism. Because liberal internationalism recognizes the role of power through the collective security system and the permanent membership of the Security Council, arguments that the Security Council does not currently reflect the power structure or the changing nature of power in the international system must be taken seriously. The attempt to institutionalize power becomes, however, more difficult as more great powers are recognized as permanent members.<sup>98</sup> Adding new permanent members, even if they are liberal democracies, might dilute the potential effectiveness of the Security Council.<sup>99</sup> A diminished structural effectiveness would derail substantive reforms designed to make the Security Council more effective, for example, in peacekeeping operations. The difficulties that expanding the permanent membership of the Security Council would create perhaps explains why *An Agenda for Peace* — the United Nations Secretary-General's blueprint for the Security Council's future — never addresses the addition of new permanent members. If expanded permanent membership makes it more difficult for the Security Council to function, then effective resolution of the proper role of the Security Council in maintaining international peace and security is placed in jeopardy. Liberal internationalism confronts the unpleasant task, which is ordained by its own tenets, of (1) taking seriously reforms that could erode the effectiveness of the Security Council, or (2) working to improve performance through an institutionalization of power that is anachronistic.

Substantive reform ideas also create problems for liberal internationalism. The suggestions contained in *An Agenda for Peace*<sup>100</sup> to make the collective security system function better would radically change the purpose of that system under the U.N. Charter. Bertrand argues that the Secretary-General's admission in *An Agenda for Peace* that the Security Council may never have military resources at its disposal to deal with a threat to or breach of the peace by a great power indicates that the objective of a reformed collective security system "is to repress small

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98. Although the membership of the Security Council has been increased from eleven to fifteen members since 1945, no new permanent members have been added. Kirgis, *supra* note 80, at 506.

99. David D. Caron, *The Legitimacy of the Collective Authority of the Security Council*, 87 AM. J. INT'L L. 552, 573-74 (1993); Jordan J. Paust, *Peace-Making and Security Council Powers: Bosnia-Herzegovina Raises International and Constitutional Questions*, 19 S. ILL. U. L.J. 131, 135 (1994); W. Michael Reisman, *The Constitutional Crisis in the United Nations*, 87 AM. J. INT'L L. 83, 96 (1993); Smith, *supra* note 96, at 184.

100. See *supra* note 97.



aggressors[.]”<sup>101</sup> Bertrand believes that this sort of collective security system “would represent a complete change in the character of the UN.”<sup>102</sup> A fundamental aspect of liberal internationalism — the promise of collective security against any threat to or breach of the peace — is exposed as impossible by the Secretary-General’s proposals for substantive reform of the Security Council. The only way to cover this gaping hole in liberal internationalism is to assume, as does *An Agenda for Peace*, that peace and consensus among the great powers in the Security Council will henceforth prevail.<sup>103</sup> However, very little in the history of international relations provides a foundation for such an assumption. Hence, if that assumption is impossible to accept, then substantive reform of the Security Council as envisaged by the Secretary-General amounts only to a system of *selective* security that operates only when the permanent members of the Security Council reach consensus.

Liberal internationalism also carries with it a problematic assumption reminiscent of the rationalism of traditional liberal thought: that all states consider an effective role for the Security Council in the maintenance of international peace and security essential to international relations.<sup>104</sup> Such an assumption ignores the realities of international politics, just as the progressive rationalism of traditional liberal thought overlooked the irrational element in international relations. *An Agenda for Peace* reflects this assumption in its aspirational language on cooperation of the great powers in the Security Council:

Never again must the Security Council lose the collegiality that is essential to its proper functioning, an attribute that it has gained after such trial. A genuine sense of consensus deriving from shared interests must govern its work, not the threat of the veto or the power of any group of nations.<sup>105</sup>

Bertrand argues that the philosophy behind *An Agenda for Peace* — that consensus not only exists among the great powers, but will continue to

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101. Bertrand, *supra* note 97, at 432. The statements in *An Agenda for Peace* to which Bertrand refers are as follows: “Forces under Article 43 may perhaps never be sufficiently large or well enough equipped to deal with a threat from a major army equipped with sophisticated weapons. They would be useful, however, in meeting any threat posed by a military force of a lesser order.” *An Agenda for Peace*, *supra* note 97, ¶ 43.

102. Bertrand, *supra* note 97, at 432.

103. This assumption was, of course, present at the creation of the Security Council and thus constitutes a permanent weakness in the United Nations’ application of collective security. See *supra* notes 75–77 and accompanying text.

104. See Abba Eban, *The U.N. Idea Revisited*, FOREIGN AFF., Sept.–Oct. 1995, at 39, 46 (arguing that collective security will always remain a hollow doctrine because it is based on invalid assumptions about international relations).

105. *An Agenda for Peace*, *supra* note 97, ¶ 78.

exist and will be supported by other states — “seems to forget the lessons of history” and “is more apparent than real.”<sup>106</sup> Further, the above-quoted language from *An Agenda for Peace* marks a shift away from the acceptance of power considerations that directly influenced the creation and composition of the Security Council.<sup>107</sup>

*An Agenda for Peace* turns its back on the realist elements of collective security to find refuge in the old liberal belief in the “harmony of interests.” The creation of the collective security systems in the League of Nations and the United Nations reflected an understanding in liberal thinking that the “harmony of interests” faith was unrealistic and that international organization had to be empowered to deal with irrational and immoral states, including great powers. *An Agenda for Peace* resurrects the limited “harmony of interests” faith applied to the great powers at the creation of the Security Council: the permanent members of the Security Council will act rationally and morally and will permit the Security Council to deal effectively with lesser states that may still engage in irrational and immoral activities. The resurrection of the traditional “harmony of interests” rationalism indicates that liberal internationalism has not advanced collective security beyond the ideas present at the creation of the League of Nations and United Nations.

Liberal internationalism is, therefore, on the horns of a dilemma resulting from its own principles. First, liberal internationalism can welcome new permanent members into the Security Council based on its power principle but will, in so doing, undermine the institutionalization of power at the heart of liberal internationalism. Second, liberal internationalism can (a) rely on the rational assumption that the need for the Security Council is clear to all states without changing the composition of the Security Council, and (b) focus on improving the Security Council’s performance in peacekeeping, peacemaking, and humanitarian intervention. Following this policy, however, may condemn the Security Council to reflecting the power structure of another era and stifling cooperation to improve its efficacy. Third, substantive reform proposals aimed at improving the Security Council’s performance reveal the weaknesses of the entire liberal internationalist project because such reform proposals cannot fulfill the collective security objective at the heart of liberal internationalism. As indicated by *An Agenda for Peace*, the best that liberal internationalism can hope to produce is a selective security system effective only against small states

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106. Bertrand, *supra* note 97, at 435.

107. See *supra* text accompanying note 75.

and held together by a retreat into the old, discredited liberal faith in the "harmony of interests" of states.

### B. *Liberal Realism*

The term "liberal realism" refers to the tradition of liberal thought that holds that the balance of power as maintained by democratic states is vital to the maintenance of international peace and security. As indicated in Part II, the belief in the necessity of maintaining a balance of power became firmly entrenched in liberal thought only in the second half of this century. Liberal realism accepts the realist critique of international organizations first developed by Rousseau: in international relations, the imperative to obtain and maintain power for self-preservation compels a state to resist any effort to restrict or limit its ability to provide for its own security. Thus, international organizations and collective security systems constitute elaborate façades of cooperation that do nothing to limit effectively the sovereignty of states with regard to international peace and security.<sup>108</sup> The failure of the collective security system in both the League of Nations and the United Nations provides liberal realism with ample historical evidence to support its position.

Reliance on the balance of power in liberal realism does not, however, mean that liberal realism abandons all tenets of traditional liberal thought. The balance of power serves to provide security and order for the democratic community of states and stability for the pursuit of economic interdependence throughout the international system. The ultimate objective is to make the position of democracy so secure that its influence, coupled with the impact of economic interdependence, will nurture the spread of democracy and capitalism in the international system. As democratization occurs, the importance of the balance of power diminishes, because ideological like-mindedness provides the

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108. Michael Howard observes that

liberals laid the blame for war on the diplomats and their manipulation of the balance of power. Again, clumsy diplomacy and ruthless power politics can cause wars . . . . But it is the business of statesmen and diplomats to make it unnecessary to fight such wars or to ensure that, if they do come, their country should not be confronted by a coalition so overwhelming, and be left so bereft of help, that it fights in a hopeless cause. To transcend this necessity and create a genuine world system of collective security has been the aim of liberal statesmen throughout this century. But such a system demands a degree of mutual confidence, a homogeneity of values and a coincidence of perceived interests such as did not exist even in the limited society of inter-war Europe. We are a long way from creating it in the culturally heterogeneous world which we inhabit today.

HOWARD, *supra* note 26, at 132.

moderating restraint in the exercise of state power. The balance of power withers away because democracies do not fight each other.<sup>109</sup>

The position of liberal realism toward the debates about the future of the Security Council is clear: the debates are misguided because the Security Council never has had nor ever will have the power to maintain international peace and security. From a liberal realist's perspective, the so-called reinvigoration of the Security Council since the end of the Cold War does not support the tenets of liberal internationalism but instead confirms the analyses of liberal realism. For instance, the Gulf War was not a triumph for collective security but an initiative led by the United States to restore the balance of power in the Persian Gulf.<sup>110</sup> The United States' willingness to use force against Iraq had little to do with the "institutionalization of power" as envisioned by liberal internationalism but instead represented great power leadership in the international system. The Security Council merely followed in the wake of the decisiveness of the United States.<sup>111</sup>

Moreover, the peacekeeping function is so far from the fundamental purpose of the Security Council that to hold it out as evidence of success in the maintenance of international peace and security is misleading. Peacekeeping represents diplomacy by another means and constitutes passive use of military forces. At best, peacekeeping is a diplomatic tool that forms part of the "escape-route or ladder" constructed to help states or domestic factions climb down from further confrontation.<sup>112</sup> Because peacekeeping can serve the cause of diplomacy and the peaceful settlement of disputes, liberal realism does not condemn or necessarily oppose it; but it does not claim (as liberal internationalism does) that peacekeeping represents an independent contribution of the Security Council in dealing with threats to peace, breaches of peace, or

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109. On the proposition that democracies do not fight each other, see Michael W. Doyle, *Kant, Liberal Legacies, and Foreign Affairs* (pts. 1-2), 12 PHIL. & PUB. AFF. 205, 323 (1983). But see Edward D. Mansfield & Jack Snyder, *Democratization and War*, FOREIGN AFF., May-June 1995, at 79 (arguing that the process of democratization produces war and conflict).

110. Blechman, *supra* note 97, at 68.

111. Commentators have noted that UN involvement in post-Cold War crises is largely determined by the attitude of the United States. See, e.g., Lori Fisler Damrosch, *Introduction to ENFORCING RESTRAINT: COLLECTIVE INTERVENTION IN INTERNAL CONFLICTS* 1, 6 (Lori F. Damrosch ed., 1993); Max M. Kampelman, *Forward to ENFORCING RESTRAINT: COLLECTIVE INTERVENTION IN INTERNAL CONFLICTS*, *supra*, at vii, xi-xii.

112. Anthony Parsons, *The UN and the National Interests of States*, in UNITED NATIONS, DIVIDED WORLD, *supra* note 18, at 104, 105.

acts of aggression.<sup>113</sup> Liberal realism looks skeptically at claims for an activity that so often gets unanimous approval in the Security Council. Perhaps such unanimity suggests how little peacekeeping actually touches on serious issues of international peace and security and the national interests of the great powers.

Of all the United Nations' collective actions in the post-Cold War period, involvement in the former Yugoslavia has had the best foundation in the Security Council's mandate to maintain international peace and security because the conflicts there have raised concerns that the fighting might become truly international in scope. But, as James Steinberg argues, the Security Council itself has been ambiguous about whether its humanitarian actions in Bosnia can be justified under Chapter VII of the United Nations Charter.<sup>114</sup> Steinberg concludes that "[a]lthough the Council's decision to use UNPROFOR II in Bosnia to help deliver humanitarian relief recited the talismanic 'threats to peace and security,' the authorization of 'all measures necessary' was not directed to removing or reducing those threats, but to the humanitarian goal . . . ."<sup>115</sup>

113. Morphet notes that prior to 1987,

nearly all peacekeeping bodies set up by the Security Council had (implicitly) been set up under Chapter VI of the Charter, which covers peaceful settlement of disputes, and *not* under Chapter VII . . . .

Since 1987 a notable feature of Security Council practice has been the frequent use of Chapter VII in resolutions associated with peacekeeping . . . .

Morphet, *supra* note 88, at 231. What explains this change in Security Council practice? Were the conflicts since 1987 in which United Nations peacekeepers got involved of such a different character as to warrant reference to Chapter VII as opposed to Chapter VI? The answers to these questions can be found not in the nature of these post-1987 conflicts, but in what one commentator argues is "an even greater lack of discussion about the legal basis for a particular Security Council resolution" in post-Cold War Security Council practice. N.D. WHITE, *KEEPING THE PEACE: THE UNITED NATIONS AND THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY* 27 (1993). For an analysis of Security Council resolutions in the post-Cold War period with respect to "threats to international peace and security," see Kirgis, *supra* note 80, at 512-18 (discussing Security Council resolutions on Somalia, Haiti, Angola, and Libyan terrorism and the lack of evidence or serious justifications that any of these situations constituted a threat to international peace and security). Repeated reference to "threats to peace and security" in Security Council resolutions does not mean that Security Council actions under Chapter VII are really directed toward real threats to international peace and security. Anne-Marie Slaughter has argued that "continuing to stretch the concept of threat to the peace ultimately undermines the legitimacy and authority of the entire UN Charter. Once a threat to peace can mean anything from famine to the invasion of a sovereign state, the concept is so broad as to be useless." Lori Fisler Damrosch, *Concluding Reflections, in ENFORCING RESTRAINT: COLLECTIVE INTERVENTION IN INTERNAL CONFLICTS*, *supra* note 111, at 348, 356 (quoting Anne-Marie Slaughter Burley, *EMERGING NORMS OF JUSTIFIED INTERVENTION* 111 (L.W. Reed & C. Kaysen eds., 1993)).

114. James B. Steinberg, *International Involvement in the Yugoslavia Conflict*, in *ENFORCING RESTRAINT: COLLECTIVE INTERVENTION IN INTERNAL CONFLICTS*, *supra* note 111, at 27, 54.

115. *Id.* at 55. Further, Steinberg indicates that the presence of United Nations troops in Macedonia is not based on Chapter VII of the U.N. Charter and is backed up ultimately by the U.S. threat to use force against Serbia if Serbia brought the conflict to Kosovo. *Id.* at 54-55; see also David Gompert, *How to Defeat Serbia*, *FOREIGN AFF.*, July-Aug. 1994, at 40-42.

Further, liberal realism critically views liberal internationalist claims that the Security Council has developed and should strengthen its role in peacemaking and humanitarian intervention. Most of its high-profile efforts to make peace or intervene for humanitarian reasons have been disasters for the United Nations. Somalia was a debacle as both the peacemaking and humanitarian missions collapsed when the United States decided that it had had enough.<sup>116</sup> Humanitarian intervention in Rwanda occurred after the genocide had already transpired.<sup>117</sup> And the constant humiliation of the United Nations effort in Bosnia by the Serbs<sup>118</sup> and the bitter controversies between the British, French, and Americans during the crisis have cast a shadow over future United Nations-led humanitarian intervention and peacekeeping efforts.<sup>119</sup>

In addition, the failure of the collective security system means that the role of the Security Council in maintaining *international* peace and security has become a responsibility to help maintain *domestic* peace and security in countries torn apart by civil strife. An argument can be made that *domestic* conflicts can have *international* consequences, but that fact is not new in international relations and never before has it served as a rationale for an international organization's involvement in issues of domestic peace and security.<sup>120</sup> The institutionalization of power at the

116. Blechman, *supra* note 97, at 68.

117. The massacres of Hutu opposition leaders, Tutsi leaders, and Tutsi civilians began early in April 1994, but the Security Council did not approve humanitarian intervention until May 17, 1994. Jason A. Dzubow, *The International Response to the Civil War in Rwanda*, 8 GEO. IMMIGR. L.J. 513, 515-16 (1994).

118. With respect to Bosnia, Paust has written that "the Security Council has been worse than ineffective in stopping human starvation used as an intentional strategy of war, intentional shelling and bombing of civilians, mass rape, 'ethnic cleansing,' other genocidal acts, and outside aggression." Paust, *supra* note 99, at 135.

119. As Kirgis argues in connection with the Security Council's involvement in civil conflicts in the post-Cold War era, "[t]he results do not augur well for the future." Kirgis, *supra* note 80, at 533.

120. The French Revolution sparked both historical precedent and theoretical ideas concerning the international threat posed by civil unrest and revolution. The most well-known historical precedent in this area is the attempt made by the Holy Alliance (Russia, Prussia, Austria, and France) to implement through the Congress of Europe system set up after the defeat of Napoleon collective intervention by the great powers against civil unrest and disturbances in Europe. As Hinsley observed, the main purpose of the Congress of Europe system "for all the continental states became the suppression of all and every disturbance in Europe[.]" HINSLEY, *supra* note 27, at 202. The principle underneath the policy of the Holy Alliance was that *domestic* unrest was directly an *international* concern justifying great power intervention to contain and eliminate the domestic agitation. Britain refused to support collective intervention through the Congress of Europe system, and this difference between Britain and the Holy Alliance on how to deal with domestic unrest became the issue on which the Congress of Europe system foundered. See *id.* at 199-212. Edmund Burke provided a theoretical foundation for intervention in the domestic affairs of another state in his efforts to get Britain to take military action against revolutionary France. Burke argued that the close proximity and shared historical heritage of European states gave states the right to intervene

heart of liberal internationalism was intended to restrain sovereignty in the international system not to attempt to bring order out of the chaos precipitated by the collapse of states and civil societies. The *raison d'être* for the Security Council — to limit the sovereignty of states with regard to *international* peace and security — no longer supports the role that the Security Council plays. Liberal realism looks to the balance of power as the real moderating restraint on state sovereignty.

The current debate over the expansion of the North American Treaty Organization ("NATO") illustrates the relevance of liberal realism and the irrelevance of liberal internationalism in the current international system on the issue of providing international peace and security. The newly independent states of Eastern Europe that once formed part of the Soviet empire now look toward NATO and not the Security Council in their pursuit of national security. The controversy engendered by the NATO expansion debate reveals two important points that accrue in favor of liberal realism. First, traditional concerns, anxieties, and fears about national security still exist strongly in the international system. These insecurities undermine liberal internationalism's claim that the real international threats today come from domestic disintegration. Second, those states seeking to join NATO want to tap into a system of collective defense based on an alliance and do not propose to rely for national security on the United Nations' system of collective security. Liberal realism sees in the NATO expansion debate clear signs that the Security Council remains moribund in the area of maintaining international peace and security.

The problem of the disintegration of states and civil societies in the contemporary international system has risen to the top of the "international security" agenda not because the Security Council has a mandate to deal with these crises<sup>121</sup> but because of the absence in the current international system of a tension in the world-wide balance of power similar to that which existed between the United States and the Soviet Union during the Cold War. In that period, civil wars in the developing world became flashpoints in the balance of power dynamic between the two superpowers and thus were crises affecting *international* peace and security. On the other hand, civil wars and civil decay in the post-Cold War period have not, with the possible exception of the former Yugo-

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in the domestic affairs of neighboring states if unrest and revolution in such states threatened the stability and order of Europe. See 9 EDMUND BURKE, *First Letter on a Regicide Peace*, in WRITINGS AND SPEECHES OF EDMUND BURKE 187, 250-51 (R.B. McDowell ed., 1991).

121. Discussing Security Council peacekeeping and humanitarian interventions in Somalia and Bosnia, Kirgis concludes that a "legal purist would have trouble finding authority in the Charter for Security Council measures of this sort[.]" Kirgis, *supra* note 80, at 535.

slavia, been crises affecting international peace and security as traditionally understood. It is the nature of the current balance of power in the international system that provides the Security Council with opportunities to become embroiled in ethnic cleansing, genocide, and civil disintegration.<sup>122</sup> Balance of power politics not only allow the Security Council opportunities for humanitarian intervention and peacemaking but also restrict the Security Council's abilities to act effectively in such situations. The lack of any real threat to international peace and security in most of the civil conflicts in which the Security Council has intervened has a double edge: while freeing the Security Council to act, the lack of any real threat to national interests makes countries slow to act in response to civil implosion and quick to complain about the costs involved.<sup>123</sup> The absence of tension in the balance of power gives the Security Council the opportunity to act too late, with too little, and too expensively to be effective in the missions it undertakes.

Finally, the intense controversy over expanding the permanent membership of the Security Council, with its focus on properly reflecting power distribution in the contemporary international system, confirms the failure of the Security Council as a liberal internationalist entity. For example, Germany and Japan do not want to become permanent members of the Security Council so that their governments can plunge into the midst of genocide or ethnic cleansing. Neither Germany nor Japan has any intention of increasing its military role in strengthening collective security or in resolving domestic conflicts around the world.<sup>124</sup> Further, German and Japanese economic power adds nothing

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122. Rochester notes that the "UN's recent activism has a familiar cast to it, dependent as it has been on past correlates of success, namely the relaxation of East-West tensions, begging the question of whether those tensions will continue to subside and allow opportunities for organizational involvement in conflict situations." ROCHESTER, *supra* note 16, at 123; see also Raymond F. Hopkins, *Anomie, System Reform, and Challenges to the UN System*, in INTERNATIONAL ORGANIZATIONS AND ETHNIC CONFLICTS 72, 88-89 (Milton J. Esman & Shibley Telhami eds., 1995).

123. Blechman observes,

All but a handful of member states refuse to commit their armed forces for UN peacekeeping duty prior to the authorization of a specific mission by the Security Council. As a result, it continues to take months to create the forces required for each operation. . . .

. . . . The United Nations is now being asked to carry out many more peacekeeping missions, and those missions are typically much more difficult than before, but the problems of financing those operations are only getting worse as member states balk at paying the higher costs generated by the new responsibilities they have placed on the world body.

Blechman, *supra* note 97, at 69, 75-76.

124. Reisman argues that "the admission of Germany and Japan to permanent membership . . . will have no significance for the effectiveness of the Security Council operating



that would improve the functioning of the collective security system.<sup>125</sup> In fact, expanding the permanent membership of the Security Council makes it less likely (if that is possible) that the collective security system will ever function according to liberal internationalism because more vetoes will exist. United States support for German and Japanese permanent seats<sup>126</sup> can be interpreted as an admission that for all intents and purposes the collective security system is defunct. What is really occurring in the movement to make Germany and Japan permanent members is, in the eyes of a liberal realist, an attempt to replicate, in somewhat more formal attire, a concert of great powers reminiscent of the nineteenth century Concert of Europe.<sup>127</sup> Thus, the enlargement controversy is about reflecting the contemporary power distribution in the Security Council and perhaps utilizing the Security Council for balance of power purposes following the Concert of Europe model.<sup>128</sup>

Arguments made by developing countries, like India,<sup>129</sup> that one or more developing states should be given permanent seats on the Security Council also reflect balance of power considerations. One of the fears

under chapter VII . . . because currently neither Germany nor Japan is able, under internal constitutional dispensations, to participate in any meaningful fashion in chapter VII operations." W. Michael Reisman, *Amending the UN Charter: The Art of the Feasible*, 88 PROC. AM. SOC'Y INT'L L. 108, 110 (1994).

125. *Id.*

126. Smith, *supra* note 96, at 185.

127. Sean D. Murphy, *The Security Council, Legitimacy, and the Concept of Collective Security After the Cold War*, 32 COLUM. J. TRANSNAT'L L. 201, 257 (1994). Michael Howard observes that the Security Council has inherited the containment of domestic conflicts not from the League of Nations but from the "Concert of Powers which kept order in Europe before 1914[.]" Howard, *supra* note 89, at 77. The behavior of the Security Council in the post-Cold War period suggests that the Concert of Europe model is not far-fetched. White has observed that

Security Council debates are no longer characterised by lengthy Cold War rhetoric by numerous invited non-members as well as the members; instead there are short meetings to approve formally resolutions previously negotiated and agreed upon informally behind closed doors. . . . It has become extremely difficult to gauge the political and legal movements in the Security Council, although it is true to say that the organ is now Western dominated.

WHITE, *supra* note 113, at 27-28. See also Kirgis, *supra* note 80, at 518-19.

128. The Concert of Europe developed after the failure of the Congress of Europe system in the first half of the nineteenth century. The Congress of Europe system represented an attempt by the five great European powers — Britain, France, Prussia, Austria, and Russia — to cooperate systematically and regularly through diplomatic congresses or formal meetings to preserve peace in Europe. See HINSLEY, *supra* note 27, at 193-96. When the Congress of Europe system broke down, a "looser association of the Great Powers continued in existence . . . limited to dealing with problems as they arose, not seeking to anticipate them or to iron them out of existence." *Id.* at 213. Although a formal institution with regular meetings (suggesting an affinity with the Congress of Europe system), a Security Council with an expanded permanent membership could act as a modern day concert of great powers dealing with problems as they arise.

129. Smith, *supra* note 96, at 185.

about the recent vigor of the Security Council is that Western powers dominate its policies and actions.<sup>130</sup> Developing countries may fear that the Security Council could become the instrument of the United States and its allies and utilized for their narrow interests. Such a prospect undermines the legitimacy of the Security Council by sanctioning the use of power by an international organization that does not reflect the interests of the majority of states.<sup>131</sup> The Security Council could then become yet another example of the imbalance of power in international relations between the developed and developing world.

### C. Liberal Globalism

The term "liberal globalism" refers to the tradition of liberal thought that holds that economic interdependence between states and peoples is the key to providing peace and security in the international system. The importance of free trade and economic interdependence in liberal thought was one of the prominent themes of the overview provided in Part II. Robert Gilpin summarizes this tenet of liberal thinking:

In essence, liberals believe that trade and economic intercourse are a source of peaceful relations among nations because the mutual benefits of trade and expanding interdependence among national economies will tend to foster cooperative relations. . . . A liberal international economy will have a moderating influence on international politics as it creates bonds of mutual interests and a commitment to the status quo.<sup>132</sup>

As noted in Part II, the belief in economic interdependence was more firmly established in liberal thought than either the concept of the balance of power or the use of international organizations to maintain international peace and security. In fact, the successive movements in liberal thought toward international organizations and then the balance of power represent a manifest lessening of the strength of the faith in interdependence in liberal thought.<sup>133</sup> The faith in economic interdepen-

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130. Caron, *supra* note 99, at 562.

131. *Id.* at 563. The U.N. Charter states that one of the organization's ends is "to ensure . . . that armed force shall not be used, save in the common interest[.]" U.N. CHARTER pmbl.

132. GILPIN, *supra* note 85, at 31.

133. As Hoffmann and Fidler point out,

[t]he First World War, which showed that the force of transnational links established by private interests was far inferior to the passions of interstate rivalries, dealt a cruel blow to the optimistic view of the beneficent effects of commerce put forward by Montesquieu, the *philosophes*, Kant, and the liberals of the nineteenth and twentieth centuries.

Hoffmann & Fidler, *supra* note 4, at lxxv.

dence has, however, been reinvigorated in recent years through the combination of three developments: (1) the triumph of liberal philosophy in international relations after the end of the Cold War, (2) the palpable success of the economic integration occurring in the European Union, and (3) the recognition of the impact of the process of globalization.

The victory of liberalism over communism has sparked a renewal of energy for liberal globalism because (1) the philosophy of free markets and free trade has emerged unchallenged as the dominant model of economic life, and (2) the collapse of the ideological conflict has lessened the military and strategic confrontation between great powers that provided the fuel for liberal realism. Economic interdependence is no longer subordinated to military and strategic concerns. A living example of the fruits of economic interdependence can be found in the European Union. The whole strategy of the European Union was to rely on economic interdependence for creating peace in Europe and to reject the collective security approach of the League of Nations and United Nations. The economic interdependence model is now one of the hottest ideas in international relations, as embodied in regional trade agreements and free-trade areas. As *The Economist* has observed, "[r]arely has free trade seemed so fashionable."<sup>134</sup>

Finally, the process of globalization has been identified as one of the most important developments in international relations. "Globalization" has been defined as "the process of denationalization of markets, laws and politics in the sense of interlacing peoples and individuals for the sake of the *common good*."<sup>135</sup> Although some literature describes globalization as a new phenomenon, it actually combines the old liberal belief in economic interdependence with new technological developments that have intensified the pace of economic interdependence.<sup>136</sup> Globalization shares with the liberal faith in economic interdependence the goal of eroding state sovereignty to build connections and interests between peoples of the world. The process of globalization can be seen

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134. *Regionalism and Trade: The Right Direction?*, *ECONOMIST*, Sept. 16, 1995, at 23.

135. Jost Delbrück, *Globalization of Law, Politics, and Markets: Implications for Domestic Law: A European Perspective*, 1 *IND. J. GLOBAL LEGAL STUD.* 9, 11 (1993). Note the similarity between Delbrück's definition of globalization and Richard Cobden's belief that peace between nations would be assured with "as little connection as possible between governments and as much connection as possible between the nations of the world." HINSLEY, *supra* note 27, at 97. Richard Cobden was the leading British advocate of "peace through free trade" in the nineteenth century. *ANGLO-AMERICAN TRADITION*, *supra* note 54, at 194-95.

136. Delbrück, *supra* note 135, at 17; David Held, *Democracy, the Nation-State and the Global System*, in *POLITICAL THEORY TODAY* 197, 206 (David Held ed., 1991).

as breathing new life into the liberal emphasis on economic interdependence as the path to international peace and security.

Liberal globalism places economic interdependence back in its historically leading position within liberal thought in relation to maintaining international peace and security. The liberal globalist outlook on the debate over the future of the Security Council differs radically from liberal internationalism and liberal realism because liberal globalism does not emphasize international organization or the balance of power as means to maintain international peace and security. The liberal globalist perspective is that collective security is, at best, subordinate to the dynamic forces of globalization<sup>137</sup> and, at worst, irrelevant to providing the bonds between nations upon which peace ultimately rests. Liberal globalism partakes of the attitude expressed by Edmund Burke in his *First Letter on a Regicide Peace*:

In the intercourse between nations, we are apt to rely too much on the instrumental part. . . . Men are not tied to one another by paper and seals. They are led to associate by resemblances, by conformities, by sympathies. It is with nations as with individuals. Nothing is so strong a tie of amity between nation and nation as correspondence in laws, customs, manners, and habits of life. They have more than the force of treaties in themselves. They are obligations written in the heart.<sup>138</sup>

Collective security, peacekeeping, and the other variants of Security Council action are "instrumental" devices, mere "paper and seals" signed and manipulated by *governments*. Globalization, on the other hand, produces a correspondence in economic laws, customs, manners, and habits that binds different *peoples* together. Liberal globalism posits that the ultimate guarantee of international peace and security can be

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137. Richard Falk has argued that the process of globalization alters the Security Council by allowing its permanent members to use it to serve "mainly those interests perceived as globalized: That is, it pushes forward the agenda of economic consolidation by protecting strategic resources and inhibits challenges to the established order by so-called backlash states (such as Iran, North Korea, Libya and Iraq)." Richard Falk, *Appraising the U.N. at 50: The Looming Challenge*, 48 J. INT'L AFF. 625, 637-38 (1995).

138. BURKE, *supra* note 120, at 247. This reference to Burke does not imply that Burke was a liberal globalist. Burke did, however, subscribe to the belief that free trade could foster common interests between peoples. See 9 EDMUND BURKE, *Two Letters on the Trade of Ireland*, in WRITINGS AND SPEECHES OF EDMUND BURKE, *supra* note 120, at 506, 509-10 (Burke defends his vote in favor of liberalizing trade between Britain and Ireland because "England and Ireland may flourish together. The world is large enough for us both."). Wolfers and Martin include Burke in the Anglo-American tradition in foreign affairs. See ANGLO-AMERICAN TRADITION, *supra* note 54, at 109-25.

found in the like-mindedness of private citizens and not in the agreements of governments. From the perspective of liberal globalism, reform efforts at the United Nations would be better directed at facilitating the process of globalization by revamping the United Nations' programs on trade and economic development. The perspective of liberal globalism on Security Council and United Nations reform is supported by the fact that seventy-five percent of the United Nations' resources are spent in activities in the economic, social, and technical areas.<sup>139</sup>

The applications of Germany and Japan for permanent seats on the Security Council can be interpreted, ironically, as a vindication of the liberal globalist position on maintaining international peace and security because Germany and Japan can make such applications based on their economic position in international relations. Germany and Japan have achieved their status by being thoroughly integrated into the process of economic interdependence and globalization. The stability, wealth, and pacific nature of Germany and Japan underscores the peace-creating potential of economic interdependence. Adding Germany and Japan to the Security Council's permanent membership will merely reflect that the future international order will be dominated by economic forces far beyond the control of the Security Council or the United Nations. Under the liberal globalist perspective, the liberal internationalist fixation on the Security Council, and the controversy surrounding its reform, belong to another age and time that events have abandoned. Liberal globalism sees the future of international peace and security through the process of globalization and wants to leave the Security Council for those interested in diplomatic fossils.<sup>140</sup>

#### D. *Summary of the Divisions in the Liberal Tradition: Any Common Ground?*

The descriptions of the three competing liberal perspectives on the maintenance of international peace and security indicate that these

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139. ROCHESTER, *supra* note 16, at 129.

140. It is beyond the scope of this article to attempt a systematic critical analysis of liberal internationalism, liberal realism, and liberal globalism. Although liberal internationalism receives the greatest scrutiny here because it is most directly linked with the Security Council, problems exist with liberal realism and liberal globalism as traditions of liberal thought on international relations. For example, there are questions over whether liberal realism resonates with democratic politics absent the menace of an "evil empire." The presentation of the containment strategy by American presidents to the American people as a necessity in the confrontation between good and evil is a consistent theme of Cold War politics. No such dramatic justification for balance of power politics now exists. Liberal globalism has to confront the observation that the process of globalization may be undermining democracy. On this point, see BENJAMIN R. BARBER, *JIHAD VS. MCWORLD* 6 (1995); Benjamin R. Barber, *Global Democracy or Global Law: Which Comes First?*, 1 IND. J. GLOBAL LEGAL STUD. 119, 121 (1993); Held, *supra* note 136, at 222-27.

perspectives are far apart in their outlook on and prescriptions for international relations. Liberal internationalism focuses on international organization, liberal realism on the balance of power, and liberal globalism on economic interdependence. The very different emphases of the three liberal perspectives suggests that no common ground exists between them in connection with the task of maintaining international peace and security. If this is indeed the case, the question arises whether there really is such a thing as the "liberal tradition" with respect to maintaining international peace and security.

Common ground does, however, exist; but the common ground exists in the values and goals underlying the different perspectives. All three liberal perspectives share the fundamental aims of liberal political philosophy: individual liberty, democratic governance, and international peace. All three perspectives also share the liberal belief that all three fundamental objectives of liberal thought interrelate tightly so that threats to international peace and security also constitute threats to individual liberties and democracy. The differences begin when means and methods have to be chosen to pursue the fundamental goals of the liberal tradition.

It is important to point out that while the primary emphases of each of the liberal perspectives on maintaining international peace and security differ significantly, none of the perspectives entirely rejects the means of the others. Some overlap, then, does exist between the traditions in terms of the means necessary to maintain international peace and security. Figure 1.1 ranks the relative importance of economic interdependence, international organization, and the balance of power for each of liberal internationalism, liberal realism, and liberal globalism.

FIGURE 1.1

	Liberal Internationalism	Liberal Realism	Liberal Globalism
Economic Interdependence	2	2	1
International Organization	1	3	2
Balance of Power	3	1	3

For liberal internationalism, international organization is most important in maintaining international peace and security. Liberal internationalism considers economic interdependence a secondary means of maintaining international peace and security because it ascribes to the liberal belief the ameliorating effects of trade. International organization

can help facilitate economic interdependence by promoting peaceful economic intercourse between states and by working to eliminate obstacles to freer trade and investment. Economic interdependence is secondary, however, because liberal internationalism does not accord economic interdependence the potential given to it in traditional liberal thought prior to the First World War or in liberal globalism. Even the balance of power cannot be entirely rejected under liberal internationalism because history has shown that liberal states need the balance of power as a mechanism for providing some systemic order in international relations if collective security cannot work properly because of great power rivalries. For liberal internationalism, the balance of power is a means of last resort filled with uncertainties and the potential for more conflict and war.

As analyzed earlier, liberal realism sees the balance of power as the only realistic way to maintain international peace and security. The balance of power is not, as it is for liberal internationalism, a stop-gap measure to be used only in crisis situations. It is instead a permanent feature of international relations. The balance of power acts, however, as a facilitator for democratic states to pursue with some degree of confidence international trade and investment, which makes the balance of power a foundation for economic interdependence and for the beneficial impact it can have on interstate relations. Liberal realism also does not write off international organization completely because international organization can be useful in balance of power politics and in facilitating economic interdependence.

Economic interdependence stands atop liberal globalism's list of priorities for reasons analyzed earlier. International organization is secondary in importance only to the extent that it helps the process of economic interdependence. International organization is less useful if it expends time and energy attempting to maintain international peace and security itself. The balance of power barely registers with liberal globalism, which is more dismissive of the balance of power than liberal internationalism. For liberal globalism, the balance of power may have temporary utility in isolated cases of belligerent states that are unresponsive to the logic of economic interdependence but not as a systemic principle for maintaining international peace and security.

Although some common ground can be found on means among liberal internationalism, liberal realism, and liberal globalism, particularly with respect to economic interdependence, the primary means emphasized by each perspective remain dramatically different and in many respects antithetical. These different primary means suggest that the

liberal perspectives disagree not only about the best way to provide for and maintain international peace and security but also about the basic dynamics of international relations. Like the various social contract theorists differing over whether the state of nature was a state of war or a state of peace,<sup>141</sup> the liberal perspectives on international relations draw contrasting pictures of international relations. Placed on a crude spectrum, liberal realism, with its emphasis on the primacy of the state and power and its exercise, and liberal globalism, with its emphasis on substate actors and the rationality of economic behavior, make up the two extreme positions. In between sits liberal internationalism because it recognizes the importance of power in international relations while advocating a cooperative, coordinated approach to issues of peace and war.

To illustrate the differences between the three liberal perspectives by reference to more traditional categories of international relations theory, liberal internationalism, liberal realism, and liberal globalism can be interpreted as examples of rationalism, realism, and revolutionism respectively.<sup>142</sup> According to Wight, "[r]ationalists are those who concentrate on, and believe in the value of, the element of international intercourse in a condition predominantly of international anarchy."<sup>143</sup> Each of the liberal perspectives contains elements of rationalism because none eschews international intercourse; but liberal internationalism, more than the other two perspectives, expresses rationalism's belief in reason and its operation in the relations among states.<sup>144</sup> Liberal internationalism contains the sentiments of rationalism that "[t]he inherent social cooperativeness of men, which has banished war from municipal society, may restrain war in international society."<sup>145</sup> As Wight observes, "[t]he Rationalist tradition is the broad middle road of European thinking[;]"<sup>146</sup> and liberal internationalism likewise constitutes the middle path of liberal thinking on international relations. Further, the ideas of collective security and international organization belong squarely in the tradition of

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141. Thomas Hobbes characterized the state of nature as a state of war, "of every man, against every man." THOMAS HOBBS, *LEVIATHAN* 185 (C.B. Macpherson ed., Penguin Books 1968) (1651). Jean-Jacques Rousseau, on the other hand, conceived of the state of nature as pacific. MAURICE CRANSTON, *JEAN-JACQUES: THE EARLY LIFE AND WORK OF JEAN-JACQUES ROUSSEAU 1712-1754*, at 294 (1983).

142. Rationalism, realism, and revolutionism are theoretical categories developed by Martin Wight. See WIGHT, *supra* note 10, at 7-24.

143. *Id.* at 13.

144. *Id.* at 13-14.

145. *Id.* at 207.

146. *Id.* at 14.



rationalism. Wight notes that under rationalism's concepts "it is possible to make broad statements of a common international interest, . . . especially through the constitutional machinery and organizations of international society."<sup>147</sup>

Liberal realism is not purely realism as mentioned earlier.<sup>148</sup> However, within Wight's three traditions, liberal realism fits more closely within realism than rationalism or revolutionism because it emphasizes the primacy of the state, power politics, and behaving according to "the actual, what is, rather than the ideal, or what ought to be[.]"<sup>149</sup> Liberal realism's emphasis on the balance of power mirrors realism's "symbol of international politics[:] . . . a balance or pair of scales."<sup>150</sup> Like realism, liberal realism regards notions of collective security or world security as misguided because "[s]ecurity . . . is a function of power . . . [and] is a relational concept: security against whom?"<sup>151</sup>

Liberal globalism's embrace of cosmopolitan capitalism and its championing of the creation of interdependence between individuals and peoples through economic intercourse captures the essence of revolutionism, which Wight defined as the tradition of thought that stresses "the moral unity of the society of states."<sup>152</sup> Liberal globalism asserts, like revolutionism, "that the interest of the *civitas maxima*, the society of states and fraternity of mankind, is both definable and attainable."<sup>153</sup> In fact, Wight observes that "the doctrine of *laissez-faire*, which was the guiding philosophy of Britain during her Victorian predominance, was as authentically Revolutionist a doctrine as Jacobinism for Revolutionary France."<sup>154</sup>

Identifying liberal internationalism, liberal realism, and liberal globalism within Wight's three separate traditions of international relations theory raises the question whether it is possible to synthesize them in order to create a more unified liberal tradition. Perhaps the only option available is to embrace one of the three competing perspectives and defend that choice to the best of one's abilities with the understanding that total agreement will never be achieved. Complicating the dishar-

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147. *Id.* at 128.

148. See *supra* note 83 and accompanying text.

149. WIGHT, *supra* note 10, at 17.

150. *Id.* at 18.

151. *Id.* at 114.

152. *Id.* at 8.

153. *Id.* at 114.

154. *Id.* at 114-15. Wight notes that *laissez-faire*'s "supreme theoretical exponent was Cobden." *Id.* The similarity between liberal globalism and Cobden's "peace through free trade" belief was mentioned earlier. See *supra* note 135.

mony in liberal thought further are the changing circumstances of international relations, which cause one perspective to dominate the others during a particular period only to fall out of favor when international politics change. Collective security supplanted economic interdependence in liberal thought after the First World War. Then, the balance of power replaced collective security after the Second World War. After the end of the Cold War, collective security and economic interdependence have experienced a new prominence at the expense of balance of power thinking. Perhaps the only synthesis of the three liberal perspectives is to allow liberals the freedom to shift among them depending on the existing international situation. This approach might avoid forcing liberals into contrived philosophical pigeon-holes and keep open the broadest array of options.

Such a "buffet" synthesis underestimates, however, the fundamental differences among liberal internationalism, liberal realism, and liberal globalism. Keeping open all options is also a device to avoid confronting the choice about what basic assumptions will determine one's outlook on international relations. As illustrated by the application of Wight's three traditions, the three liberal perspectives are miles apart on their images of what international relations are and should be. The "buffet" synthesis risks allowing policy decisions to be made without a foundation, a central core supporting the entire endeavor with a consistent (if not necessarily correct) logic. Such an approach to the disharmony in liberal thought on international relations is a recipe for more, not less, confusion in liberal thinking.

## CONCLUSION

Reforming, restructuring, and rejuvenating the Security Council for the next fifty years will prove difficult not only because of diplomatic obstacles but also because of the lack of consensus in liberal thought about the purpose and potential of the Security Council. As a creation of liberal thinking, the Security Council ultimately succeeds or fails on the consensus that can be generated in liberal thought on the propriety of relying on an international organization to maintain international peace and security. Presently and in the past, the consensus has been shallow. Liberals from all traditions can find some common ground in having the Security Council involved in peacekeeping or humanitarian projects. Nevertheless, the tension within liberal thought on the role of the Security Council in the maintenance of international peace and security creates an obstacle to the fulfillment of that role even before the frictions of diplomacy come into play.

The philosophical conundrum limiting the role of the Security Council reflects the age-old struggle with liberal thought's fundamental dilemma in international relations. Domestically, liberal political thought includes a properly-constructed state as part of its answer to ensuring individual freedom. The need for the state domestically creates, however, the problem of international relations. A democratic state recognizes the people as the sovereign, and thus the state cannot recognize any superior authority and simultaneously remain true to liberal political principles. The existence of separate states recognizing no higher power creates an international system filled with the potential for insecurity, conflict, and violence.<sup>155</sup> Liberal thought had to find a way to preserve the sovereign state while dealing with the dangers of international politics.

The three strands of liberal thought examined in this article all represent different attempts to come to grips with the fundamental dilemma of liberal thought on international relations. Hopkins argues that "[l]iberal principles have gained ascendancy but fail to construct sufficient authority for their maintenance."<sup>156</sup> Liberal internationalism, liberal realism, and liberal globalism contain different propositions on how best to construct a liberal world order. As Stanley Hoffmann has noted, "liberals have been notoriously divided over the best way to cope with the 'real world' of international relations."<sup>157</sup> While the diversity of views present in liberal thought on international relations could be seen as evidence of creativity and adaptability, such diversity could just as easily be evidence of the beating liberal thought has taken in international affairs — what Hoffmann calls "the rather colossal fiasco of liberalism in world affairs[.]"<sup>158</sup> Dredging up liberal thought's painful past and internal tensions at a moment when liberalism supposedly stands victorious, on the edge of the "end of history," is certainly not *avant-garde*. But the debate over the future of the Security Council should include an understanding that the philosophical foundation in liberal thought for this institution has been and will remain precarious. Further, an understanding of the division in liberal thought on the role of the Security Council indicates that its potential will remain perma-

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155. Waltz, *supra* note 52, at 334.

156. Hopkins, *supra* note 122, at 95–96.

157. HOFFMANN, *supra* note 7, at 399.

158. *Id.* at 395. Michael Howard has called the history of liberal thought on international relations "this melancholy story of the efforts of good men to abolish war but only succeeding thereby in making it more terrible[.]" HOWARD, *supra* note 26, at 130.

nently limited because it will always be in this liberal philosophical conundrum, caught between the competing traditions of liberal thought on international relations.